

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

2700.20A

11/12/85

SUBJ: GIFTS AND BEQUESTS

1. PURPOSE. This order provides policies and procedures for Federal Aviation Administration (FAA) personnel regarding the offer, acceptance, and administration of gifts or bequests to the FAA under the authority of the Department of Transportation Act, Title 49, United States Code, section 326. It is an authorized exception to Order DOT 2700.11, Gifts and Bequests.

2. DISTRIBUTION. This order is distributed to division level and above in FAA headquarters, Metropolitan Washington Airports, regions, and centers. Distribution is also made to those accounting offices below the division level.

3. CANCELLATION. FAA Order 2700.20, Gifts and Bequests, dated January 25, 1974, is cancelled.

4. POLICY.

a. FAA generally does not accept offers of gifts or bequests unless some recognized need or objective of the FAA can be served at a savings in cost or other benefits in carrying out the work of the FAA are expected to accrue. Following the provisions of the authorizing legislation, any property or funds accepted under this order shall be used as nearly as possible in accordance with the terms of the gift or bequest.

b. Gift Offers to Individual FAA Employees. Any FAA employee receiving an individual gift offer shall follow FAA policy in FAA Order 3750.4, Conduct and Discipline, chapter 6.

5. AUTHORITY.

a. The Administrator, AOA-1, has the power to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA. The acceptance power is based on the provisions of the Department of Transportation Act, Title 49, United States Code, section 326. The Administrator shall render the final determination on the acceptance or rejection of any gift or bequest offer to the FAA. This authority shall not be delegated below the Administrator.

b. The Associate Administrator for Administration, AAD-1, has been authorized to administer this provision of law for the FAA coextensive with the authority granted to the Administrator by statute and delegation.

6. PROCEDURES. The organizational unit receiving a gift offer shall be responsible for submitting a request for a final decision on the gift offer and gift usage plan to the Administrator, AOA-1. The organizational unit shall

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M-80(2); FAA-15

Initiated By: AAA-400

submit the information as one all-inclusive request. Books and other publications may be accepted without following the procedures outlined, provided the requirements contained in paragraph 4 above are observed.

a. Gift Offer.

(1) The organizational unit receiving the offer of a gift or bequest to FAA shall promptly submit a request for determination to the Administrator, AOA-1. The request, submitted through the Associate Administrator for Administration, AAD-1, via the Director of Accounting, AAA-1, shall contain the following:

(a) Name and address of offeror and nature of business or profession.

(b) Description and monetary value of gift or bequest plus any conditions or terms under which offered.

(c) Use and benefits to be derived, including any savings, estimated costs to place gift in operation, and function or operation in which gift is proposed to be used.

(d) A statement from the Office of the Chief Counsel regarding identification of any conflict of interest associated with the acceptance of the gift.

(e) A recommendation on accepting or rejecting the offer.

(2) The Director of Accounting, AAA-1, shall, within 30 days of receipt, review the request for all noted requirements compliance and determine that the action requested is following general policy. Also, AAA-1 shall coordinate the gift acceptance and administration process with related offices, i.e., Office of Budget. After the review, AAA-1 shall submit the determination request and any noted noncompliance to the Administrator, AOA-1, through the Associate Administrator for Administration, AAD-1.

b. Gift Usage Plan.

(1) The organizational unit shall simultaneously submit a gift usage plan for approval as part of the initial request. The plan, submitted to the Administrator, AOA-1, through the Associate Administrator for Administration, AAD-1, via the Director of Accounting, AAA-1, shall include the following:

(a) Description, value, and terms or conditions of gift or bequest, donor identification, and nature of business or profession.

(b) A general statement of activities to be undertaken, including any subsequent sales or other disposals of property.

(c) The type and estimated amount of anticipated expenditures.

(d) A statement from the Office of the Chief Counsel indicating that the gift usage plan meets the terms or conditions of the offer.

(2) The Director of Accounting, AAA-1, shall review the plan for all noted requirements conformance. AAA-1 shall submit the plan and noted nonconformances with the gift determination request to the Associate Administrator for Administration, AAD-1, within 30 days of plan receipt.

c. Administrator Determination.

(1) The Associate Administrator for Administration, AAD-1, shall be responsible for the following:

(a) Review the request upon receipt from AAA-1.

(b) Submit the request with a recommendation on accepting or rejecting the gift offer and gift usage plan to the Administrator within 10 days of receipt.

(c) Notify the organizational unit of the Administrator's decision.

(2) The Administrator, AOA-1, shall be responsible for the following:

(a) Review the request for a gift offer and gift usage plan determination and supporting statements.

(b) Review the AAD-1 recommendation.

(c) Render a decision on the acceptance or rejection of the gift offer and gift usage.

(d) Designate the appropriate program office to administer the gift or bequest trust fund.

(e) Submit the determination to AAD-1 for organizational unit notification.

7. GIFT ACCOUNTING. FAA accounting offices shall be responsible for account maintenance of property or funds from gifts or bequests administered under this order.

a. Account Establishment.

(1) Monetary gifts or bequests provisionally accepted shall be deposited immediately to the U.S. Treasury, account 69X6875(13), Suspense, FAA, pending a final decision. Upon acceptance, the suspense account shall be adjusted accordingly and the monetary gifts or bequests shall be recorded immediately in the U.S. Treasury account 69X8548.1, Gifts and Bequests, Office of the Secretary, Department of Transportation. Upon FAA refusal, the FAA shall immediately return the monetary gift or bequest to the donor and adjust the suspense account accordingly.

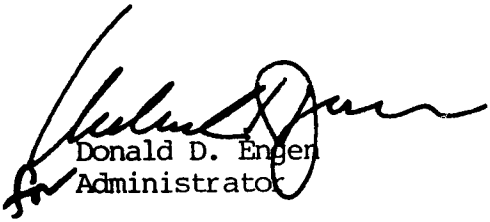
(2) Nonmonetary gifts or bequests shall, upon FAA acceptance, be recorded by the FAA to the U.S. Treasury account 69X8548.1, Gifts and Bequests, Office of the Secretary, Department of Transportation. Gifts or bequests refused by the FAA shall be immediately returned to the donor.

(3) Interest income on invested gifts or bequests shall, upon Treasury notification, be recorded immediately in the U.S. Treasury account 69X8548.2, Interest on Investments, Gifts and Bequests, Office of the Secretary, Department of Transportation.

b. Account Maintenance.

(1) Sales or other disposals of property received as gifts or bequests must have the approval of the Administrator, AOA-1. Proceeds from such sales shall be deposited immediately in the account 69X8548.1, established in the U.S. Treasury.

(2) Withdrawals from the designated account 69X8548.1, shall be made only with prior approval of the Administrator, AOA-1.



Donald D. Enger
Administrator